

1 [Settlement of Lawsuit]

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3 **Ordinance approving settlement of litigation brought by Peter P. Naughton and**  
 4 **Bernadette A. Naughton as Trustees of the 2004 Peter P. Naughton and Bernadette A.**  
 5 **Naughton Revocable Trust to quiet title as to the City and County of San Francisco in**  
 6 **certain utility easements, in the action entitled Peter P. Naughton and Bernadette A.**  
 7 **Naughton as Trustees of the 2004 Peter P. Naughton and Bernadette A. Naughton**  
 8 **Revocable Trust v. City and County of San Francisco, et al. (San Francisco Superior**  
 9 **Court No. CGC-05-440100, filed April 5, 2005), for a total value of \$136,000.00.**

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Be it ordained by the People of the City and County of San Francisco:

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Section 1. The City Attorney is hereby authorized to settle with plaintiffs Peter P. Naughton and Bernadette A. Naughton (as Trustees of the 2004 Peter P. Naughton and Bernadette A. Naughton Revocable Trust) ("Plaintiffs") the quiet title action entitled Peter P. Naughton and Bernadette A. Naughton as Trustees of the 2004 Peter P. Naughton and Bernadette A. Naughton Revocable Trust v. City and County of San Francisco, et al. (San Francisco Superior Court No. CGC-05-440100 (filed April 5, 2005), by accepting payment to the City in the amount of \$136,000.00, plus reasonable attorneys fees and costs associated with the litigation, in exchange for the summary vacation of certain easements located on the Plaintiffs' property. This settlement will be accomplished by execution of the Agreement for Sale of Real Estate between the City and Plaintiffs, as Owner (the "Sale Agreement"); the Settlement of Litigation, Release and Waiver of Claims ("Settlement Agreement"); copies of which are on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_; and as provided in companion Ordinance No. \_\_\_\_\_ which is on file with the Clerk of the board of Supervisors in File No. \_\_\_\_\_, and satisfaction by the Plaintiffs

1 and City of all conditions set forth in such Sale Agreement and in the Settlement Agreement.  
2 This sale and summary vacation of the easements have been approved by the Public Utilities  
3 Commission, by its adoption of Resolution 03-0128.

4 Section 2. The plaintiffs filed their quiet title action entitled Peter P. Naughton and  
5 Bernadette A. Naughton as Trustees of the 2004 Peter P. Naughton and Bernadette A.  
6 Naughton Revocable Trust v. City and County of San Francisco, et al. in the San Francisco  
7 Superior Court No. on April 5, 2005.

8 Section 3. All findings and determinations set forth in companion Ordinance  
9 No. are incorporated herein by this reference.

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APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

APPROVED:

By: \_\_\_\_\_  
KRISTEN A. JENSEN  
Deputy City Attorney

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Amy L. Brown  
Director of Property